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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,245	12/15/2003	Tod A. Kinsley	200309606-1	6437

22879 7590 02/16/2006

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FORT COLLINS, CO 80527-2400

EXAMINER
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NICHOLSON III, LESLIE AUGUST

ART UNIT	PAPER NUMBER
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3651

DATE MAILED: 02/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/736,245

Applicant(s)

KINSLEY ET AL.

Examiner

Leslie A. Nicholson III

Art Unit

3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 22-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22-25, 27 and 28 is/are allowed.
- 6) ☒ Claim(s) 26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Amendments and Arguments*

1. The amendment filed 2/6/2006 has been entered.

Despite previously being indicated as allowable, claim 26 has been rejected as shown and explained below.

Applicant's arguments, filed 12/2/2005, have been fully considered but they are not persuasive.

The examiner maintains that arc slide 134 of Yen (USP 6,382,617) is a damper. Since the actuating end 143 slides on arc slide 134, it is inherent that the frictional contact will slow the motion of tray 12 (C4/L59-61). In addition, it is clear from the figures that the actuating end maintains frictional engagement with the arc slide for at least part of the descent of the tray. The applicant is not specific as to at what point the finger maintains frictional engagement with the damper, nor is this limitation in the claim structurally limiting. However, Yen shows that the actuating end maintains frictional engagement with the arc slide when the tray is in the fully upright position.

In addition, though applicant argues that "...the Joyce Patent is directed to compact disc-related structures and the Winberg Patent is directed to automotive crankshaft structures...", the teachings of Winberg and Joyce were used to teach the reasons for using such materials, even though the properties of such materials and reasons for using such materials due to their properties are well known in many arts.

***Allowable Subject Matter***

2. Claims 22-25,27, and 28 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record does not overcome the "...second protrusion configured for removably mounting the damper..." of claim 22 or the three contact surfaces of claim 27.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yen USP 6,382,617 in view of Joyce 5,626,225 and Winberg USP 6,026,776.

Yen discloses a similar media handling device comprising:

- A frame (11) including a protrusion
- A media tray (12) including:
- A body
- An inner end (143) from which a finger portion protrudes generally perpendicular relative to the body of the media tray (fig.2B,3A)

- A securing portion disposed on the inner end of the body of the media tray and including a hole configured for pivotally mounting the media tray on the protrusion of the frame (holes in the tray shown in fig.3)
- A damper (134) disposed on the frame and including a curved contact portion adapted to slidably receive the finger portion of the media tray, the damper positioned on the frame relative to the point of pivotal mounting between the media tray and the frame

Yen does not expressly disclose the finger portion made from a thermoplastic material or the damper made from an elastomeric material.

Joyce teaches a thermoplastic tray (10) (abstract) for the purpose of using a material that is flexible but strong at room temperature.

At the time of invention it would have been obvious to one having ordinary skill in the art to have used a thermoplastic material for the media tray, as taught by Joyce, and therefore the finger as well, in the device of Yen, for the purpose of using a material that is flexible but strong at room temperature.

Winberg teaches a damper made from an elastomeric material for the purpose of using a material where when subjected to vibrations and impulses, converts much of the energy to heat (C1/L42-56).

At the time of invention it would have been obvious to one having ordinary skill in the art to have used a damper made from an elastomeric material, as taught by Winberg, in the device of Yen, for the purpose of using a material where when subjected to vibrations and impulses, converts much of the energy to heat.

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

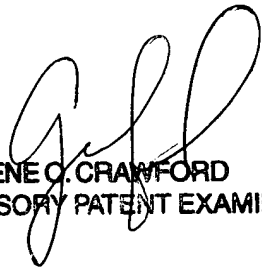
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie A. Nicholson III whose telephone number is 571-272-5487. The examiner can normally be reached on M-F, 8:30 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3651

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

L.N.  
2/13/2006

  
GENE C. CRAWFORD  
SUPERVISORY PATENT EXAMINER